

REMARKS

In response to the March 24, 2009 Office Action, Applicant respectfully requests reconsideration and timely allowance of the pending claims for the following reasons.

I. Status and Disposition of the Claims

Claims 11, 13, and 15-32, of which claims 11, 16, 17, 24, and 30 are independent, are pending. The Examiner rejected claims 16-28 and 30-32 under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 4,229,486 to Muller ("*Muller*") in view of U.S. Patent No. 5,036,757 to Mueller ("*Mueller*"). The Examiner also rejected claims 11, 13, 15, and 29 under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 6,953,165 to Griebat et al. ("*Griebat*") in view of *Mueller* and *Muller*.

II. Traversal of the § 103(a) Rejections

Applicant respectfully traverses the § 103(a) rejection of claims 16-28 and 30-32 over *Muller* in view of *Mueller*.

A proper *prima facie* case of obviousness requires three elements: (1) there must be a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim features. See M.P.E.P. § 2142. To sustain a rejection under 35 U.S.C. § 103, an Examiner must clearly articulate the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See M.P.E.P. § 2142. "A conclusion of obviousness requires that the

reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Additionally, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I) (emphasis in original).

Independent claim 16 recites, among other things, seeding grains in a processing zone between baffles of a stator and a roller, the roller having a plurality of edged outward projections that include edges defined by planar surfaces. The Office Action admits that *Muller* does not disclose the use of baffles on a stator. Office Action at page 2. However, the Office Action relies on *Mueller* for allegedly disclosing baffles on a stator and concludes that the remaining claim features would then have been obvious design choices. Office Action at page 2.

Mueller, however, fails to disclose or suggest, among other things, “the roller having a plurality of edged projections that include edges defined by planar surfaces,” as recited in independent claim 16. *Mueller*, in contrast, discloses knob plates 26, which are like circle segments in cross section, provided along a length of a core 24 on its plane portions. *Mueller*, col. 3, ll. 47-50. *Mueller* discloses at col. 3, ll. 50-53 circular, spiked knobs that do not have an “edge.” *Mueller* does not disclose or suggest edges, and the points or apexes of each knob plate 26 in *Mueller* cannot reasonably be deemed edges. A combination of *Muller* and *Mueller* therefore, does not render independent claim 16 obvious.

For at least these reasons, no *prima facie* case of obviousness has been established, and independent claim 16 is patentable over *Muller* in view of *Mueller*.

Applicant respectfully requests withdrawal of the rejection of claim 16 under 35 U.S.C. § 103(a).

Independent claim 17 recites, among other things, that the roller has a plurality of edged projections that elongate parallel to an axis of rotation of the rotor and that include edges defined by planar surfaces. Similarly, independent claims 24 and 30 respectively recite, among other things, a roller including a plurality of edged projections that elongate parallel to the axis of rotation of the rotor and that include edges defined by planar surfaces, and a roller including a plurality of edged outward projections that elongate parallel to the axis of rotation of the rotor. As discussed above in connection with claim 16, *Muller* in view of *Mueller* fails to disclose or suggest a roller including a plurality of edged projections. To the extent that claims 17, 24, and 30 recite similar features, these claims also are patentable over *Muller* in view of *Mueller*.

Furthermore, the knobs disclosed by *Mueller* extend perpendicular to an axis of rotation of the rotor. *Mueller*, Fig. 2. In contrast, as recited in claims 17, 24, and 30, the “edged projections” extend “parallel to an axis of rotation of the rotor.” Neither *Muller* nor *Mueller* disclose or suggest a knob disposed parallel to the axis of rotation of the rotor. Accordingly, no *prima facie* case of obviousness has been established, and a combination of *Muller* and *Mueller* cannot render claims 17, 24, and 30 obvious.

For at least the foregoing reasons, claims 17, 24, and 30 are allowable under 35 U.S.C. § 103(a). Claims 18-23 and 28 depend from and include all of the features of claim 17; claims 25-27 depend from and include all of the features of claim 24; and claims 31 and 32 depend from and include all of the features of claim 30. Claims 18-23, 25-28, 31, and 32 therefore are allowable over *Muller* in view of *Mueller* for at least the

reasons set forth above with respect to independent claims 17, 24, and 30. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 17-28 and 30-32.

Applicant also traverses the § 103(a) rejection of claims 11, 13, 15, and 29 over U.S. Patent No. 6,953,165 to Griebat et al. ("*Griebat*") in view of *Mueller* and *Muller*.

Independent claim 11 recites, among other things, a "roller having a plurality of edged outward projections that include edges defined by planar surfaces." The Office Action admits that *Griebat* does not use a rotor/stator combination having projections. Office Action at page 3. The Office Action improperly relies on *Muller* and *Mueller* to supply the features missing from *Griebat*. As set forth above, *Mueller* discloses knob plates with a circular, spike shape, having no planar surface. *Muller* and *Mueller*, either alone or in combination fail to disclose or suggest "the roller having a plurality of edged outward projections that include edges defined by planar surfaces."


For at least the forgoing reasons, claim 11 is allowable under 35 U.S.C. § 103(a). Claims 13, 15, and 29 depend from and include all of the features of claim 11. Claims 13, 15, and 29 therefore are allowable over *Griebat* in view of *Mueller* and *Muller* for at least the reasons set forth above with respect to independent claim 11. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 11, 13, 15, and 29.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
James W. Edmondson
Reg. No. 33,871
(202) 408-4000